

(2) All that parcel of land improved with a dwelling house known as No. 125 West Fifth Street, and being the same parcel of land conveyed to Robert V. Smith by deed from James E. Bartgis, widower, dated November 17, 1936, and recorded in Liber No. 404, folio 485, one of the Land Records for Frederick County.

(3) All that parcel of land consisting of lot improved with a dwelling house situate on the north side of West Fifth Street, fronting 20 feet thereon, and being known and designated as No. 115 West Fifth Street, and being the same parcel of land conveyed unto Robert V. Smith by deed from Lewis R. Jamison, unmarried, dated June 22, 1937, and recorded in Liber No. 407, folio 526, one of the Land Records for Frederick County.

(4) All those four lots improved with dwelling houses situated on the west side of Jefferson Street, and being known as Nos. 15, 17, 19, and 21 on said Street, and being the same parcels of land conveyed to Robert V. Smith by deed from William Levy Mantz, et. al. Executors, dated December 29, 1937, and recorded in Liber No. 411, folio 104, one of the Land Records for Frederick County.

certified copies of the above mentioned deeds being filed with said Bill as Exhibits Nos. 1, 2, 3 and 4 respectively; that the above named parties are the only persons entitled to the real estate under the provisions of said Will, and that said real estate is not susceptible of division among the parties without loss and injury and it would be to the best interest and advantage of said parties that said real estate be sold under a Decree of your Honorable Court and the net proceeds be divided in accordance with the terms of said last Will and Testament.

The Bill then prays for the passage of a decree for the sale of said real estate, and the appointment of a Trustee or Trustees to make sale of said real estate, and distribute the net proceeds to the parties entitled under the provisions of the last Will and Testament of the said Robert V. Smith; also an order of publication against the said Robert M. McIntyre and Nellie McIntyre, his wife, both of whom are non-residents as aforesaid.

It is thereupon this 23rd day of October, 1952, by the Circuit Court for Frederick County, sitting as a Court of Equity, ORDERED that